

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSCASE NO. CR04-10128United States
PLAINTIFFXingyu Jiang
DEFENDANTSandra BowerDesmond FitzgeraldCOUNSEL FOR PLAINTIFFCOUNSEL FOR DEFENDANTJUDGE WolfCLERK O'LearyREPORTER TwomeyCLERK'S NOTES

DATES:	Sentencing Hearing
3/3/05	Court goes over the filings made by the parties. Defense counsel reports that he filed by mail on March 1, 2005 a motion for downward departure. Court has not received the filing yet, defense counsel hands a copy to the court. Court takes a brief recess in order to read the filing. Court resumes. Court adopts all factual statements contained in the pre-sentence report without objection by the parties. Guidelines are as follows: TOL 10, CH I, 6-12 months custody, 24-36 months supervised release, \$2K-\$20K fine and \$300 special assessment fee. Government recommends a sentence of probation with a condition that he report to ICE at JFK bldg in Boston tomorrow for deportation. Defendant concurs in the government recommendation. Court suggests that the defendant testify. Court takes a brief recess in order for defense counsel to confer with his client. Defendant takes the stand and is sworn. Defendant's testimony is concluded. Defendant addresses the court. Government asks that it be allowed additional questions. Defendant resumes the stand. Government does not change its recommendation after the defendant's testimony. Formal sentencing: Courts does grants the defendant's acceptance of responsibility. Court adopts the parties recommendation and sentences the defendant to 3 years probation on the standard conditions plus defendant must appear in room 425 of the John F. Kennedy Federal Building at 8:00 AM on March 4, 2005. Must cooperate fully with the issuance of an order of deportation. If issued may voluntarily deport on March 4, 2005. If deported defendant may not return to the United States without the prior permission of the Secretary of Homeland Security. Defendant's probation shall be suspended during any term of deportation. Court imposes no fine but does impose the mandatory \$300.00 special assessment fee to be paid by tomorrow. Court advises the defendant of his rights to appeal and to counsel.